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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,438	03/24/2004	Norio Imaoka	118868	4268

25944 7590 11/03/2005

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

PIZARRO CRESPO, MARCOS D

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,438

Applicant(s)

IMAOKA, NORIO

Examiner

Marcos D. Pizarro-Crespo

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-40 and 45-52 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-44 is/are allowed.
- 6) ☒ Claim(s) 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-48 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/24/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/04, 4/05, 6/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Attorney's Docket Number: 118868

Filing Date: 3/24/2004

Claimed Foreign Priority Date: 3/27/2003 (JP 2003-088221)

Applicant(s): Imaoka

Examiner: Marcos D. Pizarro-Crespo

DETAILED ACTION

This Office action responds to the election filed on 8/26/2005.

Election/Restrictions

1. Applicant's election with traverse of claims 41-44 in the reply filed on 8/26/2005 is acknowledged. Claims 1-40 and 45-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.
2. Applicant's traversal is on the grounds that there would not be an undue burden in examining the species because they are sufficiently related that a thorough search of the subject matter of any one of the species would encompass a search for the subject matter of any of the other species. This is not found persuasive.
3. In the restriction requirement mailed on 7/27/2005, the examiner set forth that the species include mutually exclusive characteristics, which make them patentably distinct from each other. That is, unpatentability of one the species would not necessarily imply unpatentability of the other species.
4. As noted in MPEP § 808.01(a), an election of species should be required prior to a search on the merits in all applications containing species and generic claims, and in all applications in which a generic claim recites such a multiplicity of species that an

unduly extensive and burdensome search is required. On the other hand, such an election of species should not be required if the species are considered clearly unpatentable (obvious) over each other or if there is an express admission by the applicants to that effect. *In re Lee*, 199 USPQ 108 (Comm'r Pat. 1978). The applicant has failed to submit or identify any evidence showing the species to be obvious variants or clearly admit on the record that this is the case.

5. In addition to the above, each of the different species would require separately searching for each of their mutually exclusive characteristics. In other words, searching each of the species will require searching a separate subject of inventive effort.

6. For all of the above reasons, the requirement is still deemed proper and is therefore made FINAL.

Priority

7. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

8. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 41 is rejected under 35 U.S.C. 102(b) as being anticipated by Wakefield (US 5165067).

11. Regarding claim 41, Wakefield shows (see, e.g., figs. 8-10) all aspects of the instant invention including a semiconductor device comprising:

- ✓ A plurality of stacked semiconductor chips having substantially the same structure, each of the chips including (see, e.g., fig. 8):
 - A semiconductor substrate
 - Terminals of A groups formed on the substrate, each of the groups including a plurality of terminals
 - An integrated circuit formed on the substrate

Wherein:

- ✓ A is an integer equal to or greater than two
- ✓ The terminals in each of the groups is arranged in accordance with a predetermined basic terminal arrangement **44**
- ✓ Each of the groups is disposed at each of positions that are defined by rotating one of the positions around a point
- ✓ Each of the groups include same-function terminals to achieve the same function at the same positions as in the basic terminal arrangement
- ✓ The chips are disposed so that the point of each of the chips coincides with each other (see, e.g., fig. 9)

- ✓ The terminals of the groups of top-to-bottom overlap each other (see, e.g., figs. 9 and 10)
- ✓ Overlapping terminals are electrically coupled to each other (see, e.g., fig. 9)

Allowable Subject Matter

12. Claims 42-44 are allowed.

Conclusion

13. Papers related to this application may be submitted directly to Art Unit 2814 by facsimile transmission. Papers should be faxed to Art Unit 2814 via the Art Unit 2814 Fax Center. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2814 Fax Center number is **(571) 273-8300**. The Art Unit 2814 Fax Center is to be used only for papers related to Art Unit 2814 applications.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Marcos D. Pizarro-Crespo** at **(571) 272-1716** and between the hours of 9:30 AM to 8:00 PM (Eastern Standard Time) Monday through Thursday or by e-mail via Marcos.Pizarro@uspto.gov. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy, can be reached on (571) 272-1705.

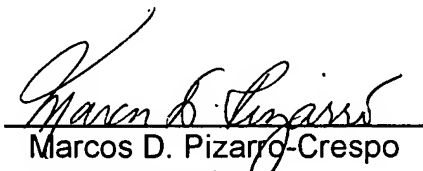
15. Any inquiry of a general nature or relating to the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

16. The following list is the Examiner's field of search for the present Office Action:

Field of Search	Date
U.S. Class / Subclass(es): 257/690-700,723-726,777,778	10/24/2005
Other Documentation:	
Electronic Database(s): EAST (USPAT, EPO, JPO)	10/24/2005


Marcos D. Pizarro-Crespo
Patent Examiner
Art Unit 2814
571-272-1716
marcos.pizarro@uspto.gov

MDP/mdp
October 26, 2005